



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

SEP 20 2005

ROBYN ADAMS
PATENT DEPARTMENT
ZYMOGENETICS, INC.
1201 EASTLAKE AVENUE EAST
SEATTLE, WA 98102

In re Application of :
Paul O. Sheppard et al :
Serial No.: 09/809,617 : PETITION DECISION
Filed: March 15, 2001 :
Attorney Docket No.: 98-29D1 :

This is in response to the petition under 37 CFR 1.181, filed July 5, 2005, requesting withdrawal of a Notice of Appeal.

The file history shows that the examiner mailed a Final Office action to applicants on January 12, 2005, setting a three month shortened statutory period for reply. Applicants replied on April 14, 2005 (Certificate of Mailing dated April 12, 2005), with an amendment and a Notice of Appeal and required fee therefore. The Notice of Appeal was considered a proper reply to the Final Office action and set a two month time period for submission of an Appeal Brief. Subsequent to the filing of the amendment and Notice of Appeal, the examiner mailed a Notice of Non-Compliant Amendment to applicants on May 5, 2005. The Notice set a thirty day time period for submission of a corrected amendment. Applicants filed a corrected amendment on June 2, 2005, subsequent to which a Notice of Allowability and a Notice of Allowance and Issue Fee Due were mailed to applicants on June 15, 2005.

The petition is **DENIED**. It is noted that the filing of the Notice of Appeal (the filing of which could have been delayed) stopped the time period for response to the Final Office action. Had the time period not been stopped the Notice of Non-Compliant Amendment would have required applicants to provide a corrected amendment and an extension of time of two months in order for the amendment to be considered timely (note paragraph 1 under Time Periods for Reply on the Notice). The filing of the Notice of Appeal permitted the corrected amendment to be submitted without any additional fee.

Should there be any questions about this decision please contact William R. Dixon, Jr., by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0519 or by facsimile sent to the general Office facsimile number 571-273-8300.

Bruce M. Kisliuk
Director, Technology Center 1600